

MINUTES

MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN MIKE WHEAT**, on February 16, 2005 at 8 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Sen. Mike Wheat, Chairman (D)
Sen. Brent R. Cromley (D)
Sen. Aubyn Curtiss (R)
Sen. Jon Ellingson (D)
Sen. Jesse Laslovich (D)
Sen. Jeff Mangan (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Mari Prewett, Committee Secretary
Linda Keim, Transcribing Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 407, SB 426, SB 435, SB 436, SB
447, SB 483, SB 482, 2/9/2005
Executive Action: None.

HEARING ON SB 407**Opening Statement by Sponsor:**

SEN. DUANE GRIMES, SD 39, CLANCY, opened the hearing on **SB 407**, a bill to revise the minor in possession law.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 2.1}

Proponents' Testimony:

Bill Muhs, Public Policy Liaison for Mothers Against Drunk Driving (MADD), Gallatin County, read his written testimony and presented it for the record.

EXHIBIT(jus38a01)

Roger Curtiss, Director, Alcohol and Drug Services in Anaconda, and Clinical Manager, Gateway Recovery in Great Falls, said the sooner substance abuse can be addressed with an individual, the more likely they can be treated and get on with their life. He urged support of SB 407.

Don Hargrove, representing Montana Addiction Services Providers, and past Senator, expressed strong support and stated that preventing substance abuse is a lot cheaper than curing it.

Allan Recke, Coordinator, Cascade County DUI Task Force, urged an increase in the requirements for illegal substance education. He asked the Committee to consider the seriousness of the statewide alcohol problem and pass this bill into law.

{Tape: 1; Side: A; Approx. Time Counter: 2.1 - 5.8}

Pat Melby, Montana Medical Association and Rimrock Foundation, said this is a public health issue and they support SB 407.

Dan Happy, Prevention Specialist, Butte-Silver Bow County and Licensed Addiction Counselor, noted there is a need to deal with 18-21 year olds because they have been overlooked. There is a huge problem with underage drinking and driving fatalities and teen suicide as that age group is vulnerable to those problems.

Chris Menard, Self, voiced support for SB 407. She said it has been discovered that states which maintained the drinking age of 21 had fewer alcohol related injuries and deaths. She stated she is proud of any 18-year-old who serves our country by volunteering to join the military, but they still are not old enough to drink, gamble, or rent a car. She said the laws

governing 18-20 year olds are weak; currently 18-20 year old offenders retain their drivers licenses and they are not required to attend a substance abuse course. She stated, "These two powerful deterrents are not being used". In 2003, 18-20 year olds in Montana had the second highest rate of alcohol related crashes by age. She asked the Committee to send a message to the 18-20 year olds that their health and safety is just as important as the 17 year olds.

{Tape: 1; Side: A; Approx. Time Counter: 5.8 - 8.3}

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

SEN. GRIMES said the law is inconsistent and SB 407 is needed.

HEARING ON SB 426

Opening Statement by Sponsor:

SEN. COREY STAPLETON, SD 27, BILLINGS opened the hearing on **SB 426**, a bill that attempts to quantify and limit state use of information that, by law, should not be disseminated. He stated a need for privacy of electronic information for youth and noted that information on computer hard drives is virtually permanent. He passed around Amendment SB042601.asb.

EXHIBIT(jus38a02)

Proponents' Testimony:

Karen Duncan, Youth Services Division, Department of Corrections, said they all agree this is a good bill and explained each of the amendments.

{Tape: 1; Side: A; Approx. Time Counter: 8.3 - 15.8}

Richard Meeker, Montana Juvenile Probation Officers Association, and Chief Juvenile Officer for First Judicial District, stated that a policy of management, maintenance and final disposition of Youth Court records has not always been consistently filed by judicial districts. This is due in part to interpretation of statutes. The lack of uniform enforcement has resulted in some

inconsistencies. SB 426 will help clarify how to maintain and manage hard files as well as how to address the pervasive issue of electronically-produced documents and make the system more consistent for both practitioners and the public.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. MANGAN asked what happens to the youth records at age 18 if a cocaine or methamphetamine offense occurred at age 15 or 16.

Mr. Meeker said it would depend upon how long the youth was on probation. The records would not be sealed in that case until after age 18.

SEN. MANGAN asked if the adult system can use prior offenses when the same offense occurred at age 20. **Mr. Meeker** said if a delinquent youth is adjudicated as a result of possession of dangerous drugs and they are on probation until age 18, they may close the records. If several years later the youth has a similar charge, the records may be opened at the request of a court order. They would then be turned over to the county attorney's office or to the adult probation parole system for use in sentencing. Once the records are sealed, it takes a court order to open them.

Closing by Sponsor:

SEN. STAPLETON closed by asking for consideration of SB 426.

{Tape: 1; Side: A; Approx. Time Counter: 15.8 - 18.7; Comments: End of Tape 1, Side A.}

Comments: **SEN. DAN MCGEE** took over as Chairman.

HEARING ON SB 435

{Tape: 1; Side: B; Approx. Time Counter: 14.5; Comments: Tape 1, Side B begins}

Opening Statement by Sponsor:

SEN. MIKE WHEAT, SD 32, BOZEMAN, opened the hearing on **SB 435**, a bill to revise probate laws. The bill would allow Montana courts to accept for probate an authenticated copy of the unprobated will filed in the decedent's home state. He passed around a

letter from Thomas Darland, Plentywood Attorney, to SEN. KITZENBERG, and explained the letter. He said this change will expedite the probate process.

EXHIBIT(jus38a03)

Proponents' Testimony:

SEN. SAM KITZENBERG, SD 18, explained that this revision makes a minor adjustment to fill a void in the current law. He said that this change will save time and money for probates.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

SEN. WHEAT closed by thanking the Committee for the hearing.
{Tape: 1; Side: B; Approx. Time Counter: 14.6 - 20.8}

Comments: CHAIRMAN WHEAT resumed as Chair.

HEARING ON SB 436

Opening Statement by Sponsor:

SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS, opened the hearing on **SB 436**, a bill to let a parent know that they are entitled to the return of their children if they meet the requirements of the Department of Child Protective Services. He said the court doesn't have to give treatment plans under all circumstances.
{Tape: 1; Side: B; Approx. Time Counter: 20.8 - 26.5}

Proponents' Testimony: None.

Opponents' Testimony:

Chris Purcell, Bureau Chief, Centralized Intake Unit for Child and Family Services Division, stated they are opposed to SB 436 as it is an attempt to simplify a complex issue; i.e., whether it is safe to return a child to a family from which they have been removed. He feels there is danger in providing this type of guarantee, sets up an increase in the number of appeals, does not

define appropriate behavior, and removes the decision ability from judges.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. CROMLEY asked who determines whether there has been an appropriate change of behavior. **SEN. O'NEIL** said it would probably be the Department first, then the judge. It gives the parent more structure so they know what they have to do to get their child back.

{Tape: 1; Side: B; Approx. Time Counter: 26.5 - 30.6}

SEN. CROMLEY asked if there were any cases where the judge did not return the child because there hadn't been an appropriate change of behavior. **SEN. O'NEIL** said he knew of a few cases where the plan was completed and the child was not returned. This does not take away authority, it just adds structure. He stated he has not followed up on any of the cases.

SEN. MCGEE asked Ms. Purcell who puts the parenting plan together. **Ms. Purcell** said the treatment plan is put together by the social worker working with the parent to determine what the issues were that prompted removal of the children. She stated that they encourage parental involvement and the plan is approved by the court prior to implementation.

SEN. MCGEE asked why it wouldn't be appropriate for a parent to expect to get their child back. **Ms. Purcell** said it is not unreasonable for those parents to expect the return of their children. The main issue is with the language "guarantee."

SEN. MCGEE asked if there would be another word to use instead. **Ms. Purcell** said they don't feel there is a need to change current statute.

SEN. CURTISS asked if there is a procedure in place whereby after parents have successfully completed a treatment plan they can petition to get the child back. **Ms. Purcell** said hearings in these matters are scheduled once an initial affidavit is filed. Subsequent hearings are set by the courts. She stated that a petition has occurred in a few cases.

SEN. CURTISS asked for more information. **Ms. Purcell** said the procedure is that hearings are scheduled, and are required to be scheduled, within certain timeframes.

SEN. CROMLEY asked if it is strong Department policy to attempt to return the child to the parent, as opposed to policy to remove the child from the parent. **Ms. Purcell** said the Department does everything possible to prevent the removal of children in the first place. Once that happens, the Department has the responsibility to make every attempt to reunify the family.

Closing by Sponsor:

SEN. O'NEIL closed by discussing a possible treatment plan and the associated costs. He said parents have a right to know that if they do what is required, if they change their attitude and their behavior, they will get their child back.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 11.5}

HEARING ON SB 447

Opening Statement by Sponsor:

SEN. JON ELLINGSON, SD 49, MISSOULA, opened the hearing on **SB 447**, a bill to revise and streamline the initiative and referendum process when ballot initiatives are proposed. The bill allows the Attorney General to make the determination of a ballot issue's legality before petitions are circulated for signature gathering. He passed around a Department of Justice review of SB 447.

EXHIBIT(jus38a04)

{Tape: 2; Side: A; Approx. Time Counter: 11.5 - 14.8}

Proponents' Testimony:

Pam Bucy, Assistant Attorney General, described the initiative process and explained that this bill deals only with pre-election challenges to ballot initiatives. This way people will be able to vote on the initiatives and not have them thrown out by the court after the election.

Harris Himes, Montana Family Coalition, said that current law allows a petition to be challenged for its constitutionality at the district court level. A response from the Supreme Court said that a challenge is asking for an advisory opinion and they were reluctant to do that. The Supreme Court said there is also a separation of powers issue. On one hand, the legislative process was requiring the court to do something; on the other hand, it

was asking the court to impose its own opinion on the legislative process.

Opponents' Testimony:

Carol Mackin, Self, read written testimony and passed around specific information in opposition.

[EXHIBIT\(jus38a05\)](#)

[EXHIBIT\(jus38a06\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. MCGEE asked how this bill came about. **Ms. Bucy** said that 30-40 folks came to them requesting it and they worked together in drafting the bill. They also worked with the Secretary of State's office.

Closing by Sponsor:

SEN. ELLINGSON closed. He said the bill has been brought to simplify the process and make it more effective for citizens to exercise this form of democratic input into State laws.

{Tape: 2; Side: A; Approx. Time Counter: 14.8 - 27.1}

HEARING ON SB 483

{Tape: 2; Side: B; Approx. Time Counter: 6; Comments: Tape 2, Side B begins}

Opening Statement by Sponsor:

SEN. KEN TOOLE, SD 41, HELENA, opened the hearing on **SB 483**, a bill that tries to do something about corporate accountability. This deals with corporations that consistently violate the law, and do business with the State. The bill has a disclosure component. He discussed what a major violation is and a flow chart which he passed around.

[EXHIBIT\(jus38a07\)](#)

{Tape: 2; Side: B; Approx. Time Counter: 6.1 - 11.6}

Proponents' Testimony:

Gene Fenderson, Montana Progressive Labor Caucus, talked about the problem with enforcement at a Federal level and said corporations should be held accountable. He said they have been given the rights of an individual without any of the responsibility that an individual has to be a good citizen.

Cedron Jones, Self, said that a lot of corporate information would become public because the bill requires disclosure of major violations at three levels. It would disclose a history of multi-state corporation violation in other states. If a corporation is bad enough to accumulate three violations in ten years, the act would prevent them from getting any State contract or permit. He said the bar is set high, so he sees this as a disclosure bill. A history of the behavior of the directors and officers of errant corporations is missing from the bill.

{Tape: 2; Side: B; Approx. Time Counter: 11.6 - 21.4}

Jeff Barber, Montana Environmental Information Center, urged support of the bill.

Opponents' Testimony:

Jim Mockler, Executive Director, Montana Coal Council, noted that the bill talks about Notices of Violations. He said he assumed that when a Notice was issued, it would go on the "bad actor" record. The bill includes physical injuries. He said they are proud of their safety record, but there are occasional injuries since they work around large machinery. He complained that the bill is selective. It covers Title 75 and coal mining, but it doesn't cover hard rock mining or sand and gravel. He noted that Title 82-4-12 already contains a provision on violations. He said that any member of the public can go to Department of Environmental Quality (DEQ) and see any violation that has ever occurred. He said this bill goes too far and he sees no reason for it.

{Tape: 2; Side: B; Approx. Time Counter: 21.4 - 25.3}

Don Allen, Western Environmental Trade Association (WETA), noted that the Environmental Protection Association (EPA) publishes a yearly list of violators. If a permit is requested, the Department already has a list of all violations and can make sure they don't issue a permit to someone who is irresponsible. He said the bill is too broad, sends a red flag to those who might want to do business in the state, and would be difficult to implement.

{Tape: 2; Side: B; Approx. Time Counter: 25.3 - 28.1}

Webb Brown, Montana Chamber of Commerce, and Billings Area

Chamber of Commerce, said this bill is too broad. It includes "bad actors" and maybe unintentionally "poor actors" also. He stated this is also a question of double jeopardy. Violators already receive a fine or penalty, and with this bill, they would be subjected to further punishment. It does not take into consideration any changes that may have occurred that may lead toward a better corporation.

{Tape: 2; Side: B; Approx. Time Counter: 28.1 - 30.6}

Brad Griffin, Montana Retail Association, spoke in opposition and asked the Committee to table the bill.

Steve Turkiewicz, Montana Bankers Association, expressed concerns and said banks, credit unions and savings and loan institutions are some of the most heavily regulated financial institutions. He stated they are already regulated and spoke against the bill.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. O'NEIL and **SEN. TOOLE** discussed a possible violation for an overloaded truck. **SEN. TOOLE** said he thought it would be a minor violation. The minor violations have to be reported but there is no consequence other than disclosure.

SEN. O'NEIL asked if a person intentionally overloaded their truck, was fined for it several times and admitted doing it, whether that would make them a bad actor. **SEN. TOOLE** did not think that it would make them a bad actor but he could understand that the State might not want to do business with them.

SEN. MCGEE asked if the intent was for the bill to apply to all private, non-profit and public corporations. **SEN. TOOLE** said that was his intent.

SEN. MCGEE asked if this could apply to Montana Human Rights Network if it was a corporation, to a partnership, etc. If there were three Notices of Violation negatively impacting the environment, the corporation in question would be a "bad actor". **SEN. TOOLE** said that is over-reaching and should come out of the bill.

SEN. MCGEE asked whether "civil judgments" against an insurance company that insures State employees would put that company on

the "bad actor" list. **SEN. TOOLE** said, no, those violations would have to be disclosed, but this would not apply to settlements and is not the scenario he intended. The bill deals with violations that result in physical injury or death.

SEN. MCGEE asked what is meant by fraudulent conduct or behavior in this bill. **SEN. TOOLE** said it is when the perpetrator understands that they are misleading or engaging in dishonest conduct with the intent to get a product at the end.

SEN. CROMLEY asked if it applied to all State contracts of procurement. He expressed concern that if they wanted to purchase five cars for the State, General Motors probably would not be on the list. He noted that GM probably had more than three violations because they are so large, but a local auto dealer probably did not; and noted the disparity between the issues. **SEN. TOOLE** said, if any large corporation has gotten three major violations, it is something to be concerned about. He was not able to resolve the disparity in volume and scale issue, and said it is something to look at.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 14.5}

SEN. WHEAT discussed side-impact accidents with pickups where injury and death have been involved. He said there will easily be three major judgments against that company and then the State will be prohibited from buying automobiles from them. He asked **SEN. TOOLE** to address the issue. **SEN. TOOLE** said it would be difficult to address a national or international business as compared to a small business in Montana, and said he could look into language for that.

SEN. CURTISS asked if there is anything in code that defines violating the dignity of an employee. **SEN. TOOLE** said, "Not that he is aware of."

SEN. CURTISS asked for a specific occurrence that persuaded him to put that in the bill. **SEN. TOOLE** said he could not give one.

SEN. MANGAN referred to Page 7, Line 1, and noted that the bill would place into law that if they are on the "bad actors" list, the Attorney General could move to dissolve the corporation just on that basis. He stated they have all worked on attracting businesses to the state and would like to see this amended out. **SEN. TOOLE** addressed the question on dissolution and agreed that corporations could not be dissolved. The bill is focused on doing business in Montana. He will look into it.

SEN. ELLINGSON said not all corporations are bad and gave the historical context this came from. He asked how they could re-infuse a conscience into entities that only have the purpose of maximizing profits. **SEN. TOOLE** said that is part of the goal with this bill.

Closing by Sponsor:

SEN. TOOLE closed by stating that he will look at the Notices Violation and several of the other issues. He said that the bar is high and wants to make sure the public knows. Employers want to know these things when someone applies for a job, and when someone applies for a contract these are legitimate questions.

{Tape: 3; Side: A; Approx. Time Counter: 14.5 - 22.5}

HEARING ON SB 482

Opening Statement by Sponsor:

SEN. KEN TOOLE, SD 41, HELENA, opened the hearing on **SB 482**, a bill that deals with having a code of corporate responsibility that directors and officers of a corporation have to abide by.

Proponents' Testimony:

Gene Fenderson, Montana Progressive Labor Caucus, gave a history of corporations and noted they need to make corporations more responsible. He stated that corporations cannot have all the privileges of a person without having the responsibility.

{Tape: 3; Side: A; Approx. Time Counter: 22.5 - 30.6; Comments: End of tape.}

Cedron Jones, Self, said that a Business Week 1999-2000 poll found that 95% of people felt corporations should sacrifice some profit for the sake of making things better for their workers and communities, 4% felt they should only focus on profit. He said that sentiment is shared by many people. He stated, "Corporations have become so domineering and powerful that our culture has been narrowed in terms of its focus to values that the corporation form embodies, which currently is basically making profit." He suggested that one solution is trying to curb bad corporate behavior and another is to try to reformat the corporation into something that embodies more of the values that we believe in. He said this bill attempts to do that.

{Tape: 3; Side: B; Approx. Time Counter: 0 - 4.8}

Jeff Barber, Montana Environmental Information Center (MEIC), said there has to be a way to inject conscience and moral responsibility into corporations. He expressed support for the bill.

Opponents' Testimony:

Jim Mockler, Executive Director, Montana Coal Council, said Lines 20-22 show the intent of the bill and spoke against the bill.

Webb Brown, Montana Chamber of Commerce, Billings Area Chamber of Commerce, expressed opposition to the bill and took exception to Page 1, Lines 19-20, "...expanding the duties to require that the pursuit of profit no longer occurs." He stated this implies that in the past it always has occurred at the expense of public health and safety. He said the language is too broad and will create more lawsuits.

Don Allen, Western Environmental Trade Association (WETA), agreed with comments made by Mr. Mockler and Mr. Brown. He noted they are sending a red flag to any corporation that might be thinking about coming to Montana or those that are already here that are thinking about expanding. He stated there are lots of opportunities to go to court and challenge decisions made by this government and they don't need something else on the books to add even more ammunition.

Brad Griffin, Montana Retail Association, said this bill is too vague, opens up a lot of mischief and expensive litigation. He asked that the bill be tabled.

{Tape: 3; Side: B; Approx. Time Counter: 4.8 - 12}

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. PERRY referred to the WHEREAS on Page 1, Lines 19-22, and explained that his business is a Montana corporation with 20 employees. They provide 100% medical coverage, half of the dependent coverage for medical insurance, the maximum allowed under law for an employee retirement plan, and they contribute to their community. There is a direct intent in the bill that if this bill passes, the legislature would then say that this business has pursued profits at the expense of public health and safety. He stated, "If this bill were to pass, it would probably be a simple matter to move my business to Nevada or another state". He asked for advice on the matter. **SEN. TOOLE** said he hoped the business would not be moved to Nevada. His intent is

not to say that SEN. PERRY'S business does any of these things. The Code talks in general terms about the responsibilities of corporate officers and is not a specific accusation against a particular business.

SEN. CROMLEY asked what a large corporation is: Line 16, Page 1.

SEN. TOOLE said he did not have a definition and would agree to having the word "large" removed. He would also remove the word "no longer."

SEN. CROMLEY asked how the State would enforce this. **SEN. TOOLE** did not expect the State to enforce it, and said, "It comes in the context of another action."

SEN. CROMLEY asked why the bill discriminates against corporations incorporated in Montana and asks them to make this sacrifice for the public good if we are not going to make the same demands on out-of-state corporations operating in Montana.

SEN. TOOLE said it is a jurisdictional issue and agreed with the concept that it should apply. With the Montana Code, we could condition their ability to operate in Montana, but we couldn't require these things of corporate boards that are located out of state. He said this is a statement of principle, more than something that is enforceable by law.

{Tape: 3; Side: B; Approx. Time Counter: 12 - 20.8}

SEN. MCGEE asked about Mr. Fenderson's statement that the founding fathers hated corporations, and asked if he would be able to supply evidence to that effect. **Mr. Fenderson** said he perhaps used the wrong word and should have used the word "disliked" or another format in conveying the displeasure that the founding fathers had towards the West Indian Company and other companies chartered by King George. He said, if he needed to apologize, he will.

SEN. MCGEE asked how the Montana Progressive Party is formed and if it is a corporation. **Mr. Fenderson** said they are and they would be subject to the terms of this act.

SEN. MCGEE referred to Page 1, Line 20, regarding pursuit of profits no longer occurring and asked if this language stated that the Montana Progressive Party currently pursues profits.

Mr. Fenderson said there is a need to distinguish between non-profit and for-profit companies.

SEN. MCGEE asked if there is a distinction between profit and non-profit corporations anywhere in the bill. **Mr. Fenderson** said, no, but it distinguishes which types of corporations in

Montana are responsible for certain things. For-profit corporations have the right to make a profit for their shareholders, non-profit corporations have other goals.

SEN. MCGEE asked how MEIC is formed. **Mr. Barber** said they are a public non-profit corporation.

SEN. MCGEE asked if he agreed that by not defining public or non-profit corporations in this bill, that the term "corporation" applies broadly in law. **Mr. Barber** stated that it implicitly applies to for-profits in the phrase on Line 20.

SEN. MCGEE asked how they stay in business if they do not make money. **Mr. Barber** said they don't make a profit.

{Tape: 3; Side: B; Approx. Time Counter: 20.8 - 24.8}

SEN. MCGEE referred to Line 20, and asked if it means that MEIC is currently working for profit, whether it is called money or profit. **Mr. Barber** stated, "That is an interpretation one could get from it. I don't know if these terms are defined elsewhere in law".

{Tape: 3; Side: B; Approx. Time Counter: 24.8 - 25.7}

SEN. ELLINGSON asked, if the obligation to stockholders was to maximize profits, if that is the #1 objective for Montana and national for-profit corporations. **Mr. Brown** said it is not the #1 fundamental objective. He added, corporations have a variety of purposes for which they were formed.

SEN. ELLINGSON asked for what other purpose corporations were formed except to make a profit and to insulate their investors from personal liability. **Mr. Brown** stated they are formed to provide goods or services. Some of them do not enter into corporate structure strictly for profit, even if they are formed as a for-profit corporation.

SEN. ELLINGSON asked what is wrong with asking corporations to consider something else besides the maximization of profit. **Mr. Brown** said he did not think this bill gives the direction that we would like.

SEN. ELLINGSON asked what sort of legislation he thought might allow accomplishment of those objectives. **Mr. Brown** said it is already in existing statute.

{Tape: 4; Side: A; Approx. Time Counter: 0 - 6}

SEN. O'NEIL referred to Page 2, Line 3, and asked how a corporation can go out of business without damaging the community in which they operate. **SEN. TOOLE** said that section of the bill gives a broad list of principles.

SEN. O'NEIL asked how an employee can be laid off or fired without violating the dignity of the employee. **SEN. TOOLE** said if an employee is failing to do their job and they are dismissed, that is not a violation of their dignity.

CHAIRMAN WHEAT asked if there was anything they could do to make this bill acceptable. **Mr. Brown** said it is too broad and needs to be killed.

Closing by Sponsor:

SEN. TOOLE said there are a lot of problems with corporate conduct and we don't need to take that. He stated that for-profit corporations are so focused on their work and on their bottom line that they do their work at the expense of the community. Adopting this language would not affect good, conscientious businesses and would give a strong signal to all businesses about how we expect them to conduct themselves.

With no further business, **CHAIRMAN WHEAT** adjourned the hearing.

{Tape: 4; Side: A; Approx. Time Counter: 6 - 11.2}

ADJOURNMENT

Adjournment: 10:55 A.M.

SEN. MIKE WHEAT, Chairman

LINDA KEIM, Transcribing Secretary

MW/lk

Additional Exhibits:

EXHIBIT ([jus38aad0.PDF](#))